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East Lothian Council
Licensing

21 JUL 2023

Received

APPLICATION FOR VARIATION OTHER THAN MINOR VARIATION

3A

LICENSING (SCOTLAND) ACT 2005, SECTION 29

**This application should only be completed by the Licence Holder
of the appropriate Premises Licence or their Agent.**

1. TYPE OF VARIATION

This application for Variation other than a Minor Variation of Premises Licence is made under Section 29(5) of the Licensing (Scotland) Act 2005 in order to vary - (Tick all relevant boxes)

- Any of the Conditions to which the Premises Licence is subject
- Any of the information contained within the Operating Plan
- The Layout Plan
- Any other information contained or referred to in the licence (including any addition, deletion or other modification).

(Provide Details)

2. PREMISES LICENCE DETAILS

2(a) Licence Number of Premises EL0196

2(b) Name and Address of Premises The Green, 70 Court Street, Haddington

Post Code EH41 3AF Tel. No. _____

Email _____

2(c) Full Name and Address of Current Licence Holder

Greene King Brewing & Retailing Ltd, Westgate Brewery, Bury St Edmonds, Suffolk

_____ Post Code IP33 1QT

Tel. No. _____ Email address _____

3. NATURE OF VARIATION

Complete the relevant section(s) regarding the variations sought -

3(a) Variation to the Conditions to which the Premises Licence is subject

Provide details of the Condition(s) to be varied and the variation being sought

3(b) Variation to the information contained within the Operating Plan of the Premises Licence

Provide a copy of the proposed operating plan and detail below the proposed changes. **(See Note 1)**

Q5 - add indoor/outdoor sports as an activity during and outwith core hours.
Q5 - add the following wording - Indoor/outdoor sports available to customers when premises is open.

3(c) Variation to the Layout Plan of the Premises Licence

A copy of the proposed Layout Plan must accompany this application. **(See Note 2)**
In addition please provide details below of the proposed change to the layout of the Premises.

Addition of pool table

3(d) Variation to any other information contained or referred to in the licence

Provide details below of any other variation sought to the Premises Licence (e.g. Alteration to the description of the premises contained within the Premises Licence)

4. LICENCE TO BE AMENDED (See note 3 below)

Does the appropriate Premises Licence accompany this application?

YES NO

If the answer is NO, please provide an explanation.

I am unable to produce the Premises Licence because -

- The licence has not yet been issued by the Board
- The licence has already been returned to the Board in respect of an earlier application for variation or transfer
- Other (provide details)

Will follow under separate cover

5. FEE PAYABLE

Information on fees can be found at

https://www.eastlothian.gov.uk/info/210571/licensing/12259/alcohol_licences/2

If submitted with an application for transfer, please specify the order in which the applications are to be considered-

- Application for Transfer of Premises Licence followed by Application for Variation
- Application for Variation followed by Application for Transfer of Premises Licence

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

If signing on behalf of the applicant please state in what capacity.

I confirm that

(a) the contents of this Application are true to the best of my knowledge and belief; and

(b) (i) the appropriate fee of £ 200 is enclosed

(ii) the proposed Operating Plan is enclosed

(iii) the proposed Layout Plan is enclosed

(iv) the Premises Licence is enclosed

Signature Alison Smith - TLT Solicitors (See note 5 overleaf)

Date 20.07.23

Capacity APPLICANT / AGENT (delete as appropriate)

If agent, please provide details

Full name Alison Smith

Address TLT Solicitors, 9th Floor, 41 West Campbell Street, Glasgow

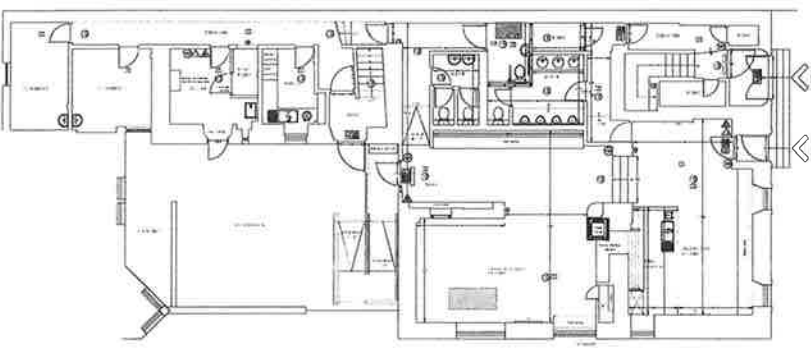
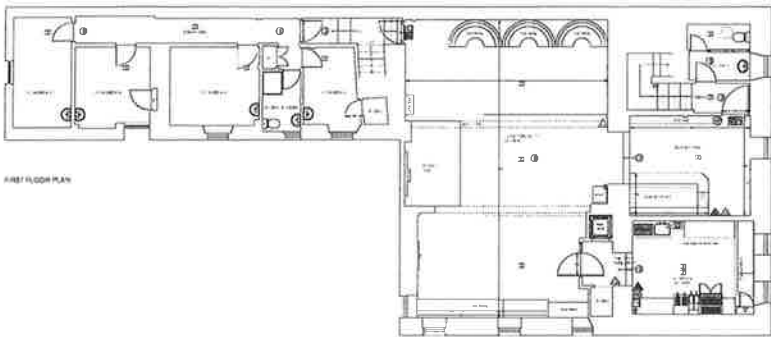
Post Code G2 6SE

Tel. No. 03330061297 Email address Alison.Smith@TLT.com

Note 1

Please note that the proposed Operating Plan must contain any aspects of the current Operating Plan that are to be preserved should the variation be granted. (e.g. If the current Operating Plan allows a premises to have 'live performances' but this is not requested on the proposed Operating Plan then the Licensing Board would view such an omission as a request to have 'live performances' deleted from the Operating Plan of the Premises.)

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NO.	DESCRIPTION	DATE	BY	CHKD	APP'D
1	PRELIMINARY				
2	REVISED				
3	REVISED				
4	REVISED				
5	REVISED				
6	REVISED				
7	REVISED				
8	REVISED				
9	REVISED				
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16	REVISED				
17	REVISED				
18	REVISED				
19	REVISED				
20	REVISED				

- ① Structural Steel Column
- ② Structural Steel Beam
- ③ Structural Steel Joist
- ④ Structural Steel Truss
- ⑤ Structural Steel Deck
- ⑥ Structural Steel Wall
- ⑦ Structural Steel Floor
- ⑧ Structural Steel Stair
- ⑨ Structural Steel Lintel
- ⑩ Structural Steel Tie
- ⑪ Structural Steel Anchor
- ⑫ Structural Steel Bolt
- ⑬ Structural Steel Nut
- ⑭ Structural Steel Washer
- ⑮ Structural Steel Plate
- ⑯ Structural Steel Angle
- ⑰ Structural Steel Channel
- ⑱ Structural Steel I-Beam
- ⑲ Structural Steel H-Beam
- ⑳ Structural Steel Z-Beam
- ㉑ Structural Steel C-Beam
- ㉒ Structural Steel L-Beam
- ㉓ Structural Steel T-Beam
- ㉔ Structural Steel U-Beam
- ㉕ Structural Steel Z-Channel
- ㉖ Structural Steel C-Channel
- ㉗ Structural Steel L-Channel
- ㉘ Structural Steel T-Channel
- ㉙ Structural Steel U-Channel
- ㉚ Structural Steel Z-Section
- ㉛ Structural Steel C-Section
- ㉜ Structural Steel L-Section
- ㉝ Structural Steel T-Section
- ㉞ Structural Steel U-Section
- ㉟ Structural Steel Z-Profile
- Ⓜ Mechanical Equipment
- Ⓝ Electrical Equipment
- Ⓞ Plumbing Equipment
- Ⓟ HVAC Equipment
- Ⓠ Fire Equipment
- Ⓡ Safety Equipment
- Ⓢ Security Equipment
- Ⓣ Other Equipment

Notes:
 1. Refer to Schedule of Materials for details of materials and finishes.
 2. Refer to Schedule of Work for details of construction methods.
 3. Refer to Schedule of Dimensions for details of dimensions and levels.
 4. Refer to Schedule of Notes for details of notes and specifications.
 5. Refer to Schedule of References for details of references and standards.

Legend:
 [Symbol] pool table
 [Symbol] pool table

PROPOSED KITCHEN AND REPAIRS TO THE BELL 43 COURT STREET HAZDONTON
 FIRST FLOOR
 SECOND FLOOR
 THIRD FLOOR
 FOURTH FLOOR
 FIFTH FLOOR
 SIXTH FLOOR
 SEVENTH FLOOR
 EIGHTH FLOOR
 NINTH FLOOR
 TENTH FLOOR
 ELEVENTH FLOOR
 TWELFTH FLOOR
 THIRTEENTH FLOOR
 FOURTEENTH FLOOR
 FIFTEENTH FLOOR
 SIXTEENTH FLOOR
 SEVENTEENTH FLOOR
 EIGHTEENTH FLOOR
 NINETEENTH FLOOR
 TWENTIETH FLOOR
 TWENTY-FIRST FLOOR
 TWENTY-SECOND FLOOR
 TWENTY-THIRD FLOOR
 TWENTY-FOURTH FLOOR
 TWENTY-FIFTH FLOOR
 TWENTY-SIXTH FLOOR
 TWENTY-SEVENTH FLOOR
 TWENTY-EIGHTH FLOOR
 TWENTY-NINTH FLOOR
 THIRTIETH FLOOR

DATE: 15/05/2018
BY: GBA
CHKD: GBA
APP'D: GBA

PROJECT NO: 180115-18
CLIENT: LUPIN

SCALE: 1:100
DATE: 15/05/2018

PROJECT NO: 180115-18
CLIENT: LUPIN

SCALE: 1:100
DATE: 15/05/2018

25/07/2023

Your Ref: THE GREEN

Our Ref: 742811

The Clerk of the Licensing
Board
East Lothian Council
John Muir House
Haddington
East Lothian
EH41 3HA



**POLICE
SCOTLAND**

Keeping people safe

Catriona Paton
Chief Superintendent
Divisional Commander
The Lothians and Scottish Borders Division
Dalkeith Police Station
Newbattle Road
Dalkeith, EH22 3AX

Dear Sir/Madam,

**LICENSING (SCOTLAND) ACT 2005
APPLICATION FOR THE VARIATION OF A PREMISES LICENCE
THE GREEN
70 COURT STREET, HADDINGTON, EAST LOTHIAN, EH41 3AF.**

I refer to the above variation of a premises licence in terms of Section 29(5) of the Licensing (Scotland) Act 2005.

The variation requested consists of the following –

Within the operating plan –

**Q5 - add indoor/outdoor sports as an activity during and outwith core hours.
Q5 - add the following wording - Indoor/outdoor sports available to
customers when premises is open**

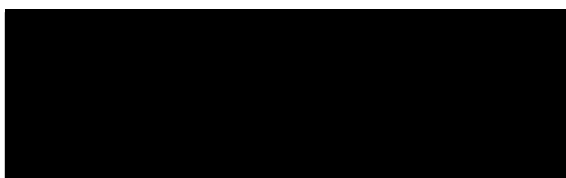
Within the layout plan of the premises licence –

Addition of a pool table.

In terms of Section 29(5) this request can be considered a variation.

I have no adverse comment to make regarding the variation proposed.

Yours faithfully



OFFICIAL

Catriona Paton
Chief Superintendent

For enquiries please contact the Licensing Department on 0131 654 5583.

EAST LoTHIAN COUNCIL

Licensing Standards


Licensing Standards Officer

To: C. Grilli
Clerk to the Licensing Board

Date: 21st August 2023

**Subject: LICENSING (SCOTLAND) ACT 2005
PREMISES LICENCE MAJOR VARIATION
THE GREEN, 70 COURT STREET, HADDINGTON, EAST LoTHIAN, EH41 3AF**

I can confirm that I have spoken with Alison Smith from TLT and Colin Lawson, Greene King Area Manager in relation to this variation application. I have also conducted a visit at the premises. The premises were found to be compliant with the Act although some missing signage is to be addressed.

The premises have been in the control of the current tenant, Rebecca Fowler and premises manager, Lee Irvine from December 2022.

In June 2023, it came to my attention that a pool table was in use at the premises. I established that the operating plan did not allow indoor/outdoor sports for this activity. In order for the premises to comply with the premises licence, I contacted Greene King for the pool table to be either removed or no longer used and a major variation submitted for consideration by the Board.

In August 2023, one collective verbal complaint from neighbours was received through a local Councillor in relation to noise from the premises and rear outside drinking area, use of the outside drinking area after 10pm, the singing of sectarian songs and noise from karaoke.

Community Police responded and informed me they visited the premises. The officer requested that the rear outside area be closed at 10pm as per the condition on the premises licence and any patrons wishing to smoke were directed out the front.

I am aware that the premises is no longer part of Pub Watch in the Haddington area.

The changes applied for are:

- To add indoor/outdoor sports during and outwith core hours
- To add – Indoor/outdoor sports available to customers when premises is open

The pool table is to be situated in the raise area of the ground floor. The raised area, containing the bar/restaurant and lobby is the only area in the premises that children are permitted access to as per the operating plan:

- *“Children and young persons will be admitted to the raised area only”*

Once the pool table is in a position to allow play and access round the table the space becomes quite tight. The use of the pool table could be a potential hazard to children. It is of note that there is also a category C gaming machine at the entrance to the bar/restaurant area (not indicated on submitted layout plan).

The area that the pool table is proposed, was previously a restaurant area, however the premises is not currently providing meals. If there are functions, pre-made food is brought onto the premises, however not available on a day-to-day basis.

I refer the Board to Section 15.3 of The Statement of Licensing Policy below:

15.3 *The Board will not normally grant a premises licence in respect of children’s access where:*

- *children under the age of 12 have unsupervised access to pool tables, dart boards or areas where category C or above gaming machines are located.*
- *the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the service provided.*

I would recommend that in order to uphold the licensing objective of protecting children and young persons from harm that access to this area by children and young persons is considered.

At the moment, the supply of alcohol, unless there is a pre-arranged function, is the exclusive purpose of the service provided. Children and young persons should not be permitted in the upstairs function room as per the current operating plan, leaving the area where the pool table is and the lobby (raised area) as the only areas for them.

I am aware that the premises currently host functions such as funerals, celebrations and birthday parties in the upstairs room and it is my interpretation that this area cannot be accessed by children. This should be considered by the premises in its operations and complied with until a change of the operating plan is granted.

I have concerns that the addition of the pool table has the potential to change the atmosphere and character of the premises potentially creating an unsuitable atmosphere for children. It also concerns me that the premises has elected to withdraw from Pub Watch and may be admitting patrons that are barred from other premises due to their behaviour.

I direct the Board members to the suggested control measure below contained in the Statement of Licensing Policy:

- *exclusion of children from areas in which gambling is taking place such as casino, poker or race nights and areas where category C or above gaming machines are available for use.*

The application also request use of the pool table out with core hours. I understand this is to facilitate the use of the pool table at functions such as funerals that may occur before core on sales hours.

In relation to terms on which children and young person will be allowed on the premises, the operating plan states - *Children and young persons will be admitted up until 10pm or 24 hours if they are resident at the hotel.*

There is no term stating that children and young persons must be accompanied by a responsible adult within the premises licence.

It is my recommendation that the Board considers children and young person access in the premises given the proposed changes. Should the board be minded to grant the application I suggest the Board considers the below:

1) Either:

Children (0-11) are supervised by a responsible adult whilst in the bar/restaurant area on the ground floor where the category C gaming machine and pool table are located.

Or

Children (0-11) are excluded from the bar/restaurant area on the ground floor where the category C gaming machine and pool table are located.

- 2) Children and young persons will only be admitted and permitted to remain on the premises when accompanied by a responsible adult.
- 3) The premises manager joins and participates in the local Pub Watch group.

There has been an article in the local media detailing the name of the premises is to be changed to "The Railway". No application in respect of this change has been submitted as yet.


Licensing Standards Officer

Licensing

From: Robertson, Scott
Sent: 26 July 2023 13:38
To: Licensing
Subject: RE: Major Variation Application - The Green, 70 Court Street, Haddington, East Lothian, EH41 3AF - EL0196

Hello,

Please note I have no comments or objections in relation to the major variation application at The Green.

Kind Regards
Scott

Scott Robertson | Assistant Planner – Development Control | East Lothian Council | John Muir House | Haddington EH41 3HA
T. 01620 827585 | E.srobertson2@eastlothian.gov.uk Visit our website at www.eastlothian.gov.uk

From: Licensing <licensing@eastlothian.gov.uk>
Sent: 21 July 2023 11:11
To: 'Lothian Scot Borders Licensing East Mid Lothian' <LothianScotBordersLicensingEastMid@Scotland.police.uk>; Harling, Karen (Licensing) <kharling1@eastlothian.gov.uk>; Environment Reception <environment@eastlothian.gov.uk>; Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>; licensing@nhslothian.scot.nhs.uk; torquill.cramer@firescotland.gov.uk; all@haddingtoncc.org.uk
Subject: FW: Major Variation Application - The Green, 70 Court Street, Haddington, East Lothian, EH41 3AF - EL0196

Hi

Please find attached a major variation application in respect of the above noted premises, along with an updated operating plan and layout plan for report by 22nd August, 2023.

Kind regards

Gillian
Gillian Herkes
Licensing Officer
Democratic & Licensing Services
John Muir House
Haddington
East Lothian Council
01620 820114
gherkes@eastlothian.gov.uk



Licensing

From: Douglas, Andrew
Sent: 24 July 2023 12:55
To: Licensing
Cc: Environmental Health/Trading Standards; Muir, Marion
Subject: FW: Major Variation Application - The Green, 70 Court Street, Haddington, East Lothian, EH41 3AF - EL0196
Attachments: major variation application.pdf; Operating plan.doc; LAYOUT PLAN LODGED WITH POOL variation.pdf

No objs, std conditions.

EHTS – can this be scanned to commercial premises ref: 23/00005/COM , as '2023 Major Variation'.

Thanks

Andrew

From: Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>
Sent: 21 July 2023 11:15
To: Douglas, Andrew <adouglas@eastlothian.gov.uk>
Subject: FW: Major Variation Application - The Green, 70 Court Street, Haddington, East Lothian, EH41 3AF - EL0196

From: Licensing <licensing@eastlothian.gov.uk>
Sent: 21 July 2023 11:11
To: 'Lothian Scot Borders Licensing East Mid Lothian' <LothianScotBordersLicensingEastMid@Scotland.police.uk>; Harling, Karen (Licensing) <kharling1@eastlothian.gov.uk>; Environment Reception <environment@eastlothian.gov.uk>; Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>; licensing@nhslothian.scot.nhs.uk; torquil.cramer@firescotland.gov.uk; all@haddingtoncc.org.uk
Subject: FW: Major Variation Application - The Green, 70 Court Street, Haddington, East Lothian, EH41 3AF - EL0196

Hi

Please find attached a major variation application in respect of the above noted premises, along with an updated operating plan and layout plan for report by 22nd August, 2023.

Kind regards

Gillian
Gillian Herkes
Licensing Officer
Democratic & Licensing Services
John Muir House
Haddington
East Lothian Council
01620 820114
gherkes@eastlothian.gov.uk

East Lothian Council
Licensing

23 AUG 2023

Received

22/8/23

Dear Sir / Madam,

Licensing Hours requested by The Green Hotel EH41 3AF

I am writing to request that the Licensing Board reject the proposed extension of their opening hours on several days of the week. The later closing times sought for Thursday, Friday and Saturday are likely to increase noise pollution at a time when most of the residents in our area are seeking a restful, peaceful sleep.

There are also significant noise problems in the beer garden at the rear of the pub, at most weekends. The owners don't seem to be offering any management of this area, on nights when there is some sort of function inside the pub there is constant traffic between there and outside. The outcome is usually loud shouting, swearing, screaming and most more recently singing of vile sectarian football songs. This should not be tolerated at 12 midnight or 1am.

Thank you for reading this.

Yours faithfully,
[Redacted Signature]